

1 Kelly A. Evans, Esq. (SBN 7691)
2 Chad R. Fears, Esq. (SBN 6970)
3 Jay J. Schuttert, Esq. (SBN 8656)
EVANS FEARS SCHUTTERT MCNULTY MICKUS
4 6720 Via Austi Parkway, Suite 300
5 Las Vegas, NV 89119
6 Telephone: (702) 805-0290
7 Facsimile: (702) 805-0291
8 Email: kevans@efsmlaw.com
9 Email: cfears@efsmlaw.com
10 Email: jschuttert@efsmlaw.com

11 *Attorneys for Defendants Monsanto Company, Las Vegas
12 ACE, LLC and Lowe's Companies, Inc.*

13 **UNITED STATES DISTRICT COURT**

14 **FOR THE STATE OF NEVADA**

15 ROBERT BEDWELL and JODY BEDWELL,
16 husband and wife;

17 Plaintiffs,

18 vs.

19 BAYER AG, a German public limited company;
20 MONSANTO COMPANY, a Delaware
21 corporation; LAS VEGAS ACE, LLC, a domestic
22 limited liability company; THE HOME DEPOT,
23 INC., a Delaware corporation; and LOWE'S
24 COMPANIES, INC., a North Carolina
25 corporation, DOES 1 through 10 and ROE
26 CORPORATIONS 1 through 10, inclusive,

27 Defendants.

28 Case No. 2:23-cv-01356-APG-EJY

29 **STIPULATION AND ORDER TO
30 EXTEND DEADLINES (1) TO
31 RESPOND TO PLAINTIFFS'
32 AMENDED COMPLAINT, (2) TO
33 CONDUCT A RULE 26(F)
34 CONFERENCE AND (3) TO SUBMIT
35 A DISCOVERY PLAN**

36 **(FIRST REQUEST)**

37 Pursuant to LR IA 6-1, LR IA 6-2, and LR 7-1, Plaintiffs Robert Bedwell and Jody Bedwell
38 ("Plaintiffs"), and Defendants Monsanto Company ("Monsanto"), Las Vegas Ace, LLC ("LV
39 Ace"), Lowe's Companies, Inc. ("Lowe's"), and The Home Depot, Inc. ("Home Depot") (these
40 four Defendants collectively referred herein as "Defendants"; "Plaintiffs" and "Defendants"
41 collectively referred herein as "Parties"), by and through their respective counsel, hereby submit
42 this Stipulation And Order To Extend Deadlines (1) To Respond To Plaintiffs' Amended
43

1 Complaint, (2) To Conduct A Rule 26(f) Conference, And (3) To Submit A Discovery Plan until
2 after this Court resolves Plaintiffs' Motion to Remand.

3 Plaintiffs served LV Ace with a summons and the complaint on August 9, 2023. Plaintiffs
4 served Home Depot with a summons and copy of the complaint on August 17, 2023. And Plaintiffs
5 served Lowe's with a summons and the complaint on August 18, 2023. Plaintiffs served Monsanto
6 with a summons and complaint on August 25, 2023. Bayer AG has not been served nor otherwise
7 appeared in this matter. Monsanto filed a Petition for Removal on August 30, 2023, and answered
8 the complaint on August 31, 2023. On September 6, 2023, the parties stipulated to and this Court
9 ordered that the Retail Defendants' (LV Ace, Home Depot, and Lowe's) deadline to respond to
10 Plaintiffs' Initial Complaint was continued until 14 days after this Court's decision on Plaintiffs'
11 forthcoming motion to remand.

12 On September 21, 2023, Plaintiffs filed both a Motion to Remand and First Amended
13 Complaint. Without a stipulation, Defendants would have until October 5, 2023 to file a response
14 to Plaintiffs' Amended Complaint. Also, Monsanto's answer triggered conducting the Rule 26(f)
15 conference no later than October 2, 2023, and submitting a discovery plan no later than October
16 16, 2023.

17 Good cause exists to grant these extensions. The Parties anticipate that this Court will
18 address Plaintiffs' Motion to Remand before any other motions. The Parties also agree to continue
19 the Rule 26(f) conference and submission of a discovery plan until after the Motion to Remand is
20 resolved to know whether the plan will be submitted in this Court or state court. The Parties request
21 the opportunity to preserve their and the Court's resources by resolving the issue of federal removal
22 jurisdiction prior to Defendants responding to Plaintiffs' Amended Complaint and drafting a
23 discovery plan and scheduling order. This request is not made for the purpose of delay or to cause
24 prejudice to any party.

25 The Parties therefore stipulate and agree to continue the Defendants' deadline to respond to
26 Plaintiffs' Amended Complaint until 14 days after this Court's decision resolving the Plaintiffs'
27 Motion to Remand. Furthermore, if this case remains in this Court after Plaintiffs' Motion to
28 Remand is fully resolved, the Parties further stipulate and agree that LR 26-1's deadlines for

1 conducting the Rule 26(f) conference and submitting the discovery plan will be triggered when the
2 Defendants file their responses to Plaintiffs' Amended Complaint.

3 The Defendants do not waive – and reserve the right to assert – any and all defenses in this
4 lawsuit and in future proceedings, including but not limited to lack of personal jurisdiction.

5 IT IS SO STIPULATED.

6 Dated this 27th day of September, 2023.

7 THE702FIRM INJURY ATTORNEYS

8 /s/ Michael C. Kane

9 Michael C. Kane, Esq. (SBN 10096)
10 Bradley J. Myers, Esq. (SBN 8857)
11 Brandon A. Born, Esq. (SBN 15181)
12 8335 West Flamingo Road
13 Las Vegas, NV 89147
14 Telephone: (702) 776-3333
15 Facsimile: (702) 505-9787
16 Email: service@the702firm.com

17 Jordan P. Schnitzer, Esq. (SBN 10744)
18 THE SCHNITZER LAW FIRM
19 9205 West Russell Road, Suite 240
20 Las Vegas, NV 89148
21 *Attorneys for Plaintiffs*

EVANS FEARS SCHUTTERT MCNULTY
MICKUS

/s/ Chad R. Fears

Kelly A. Evans, Esq. (SBN 7691)
Chad R. Fears, Esq. (SBN 6970)
Jay J. Schuttert, Esq. (SBN 8656)
6720 Via Austi Parkway, Suite 300
Las Vegas, NV 89119
Telephone: (702) 805-0290
Facsimile: (702) 805-0291
Email: kevans@efsmlaw.com
Email: cfeears@efsmlaw.com
Email: jschuttert@efsmlaw.com
*Attorneys for Defendants Monsanto
Company, Las Vegas Ace, and Lowe's
Companies, Inc.*

22 PERRY & WESTBROOK, P.C.

/s/ Alan Westbrook

23 Alan Westbrook Esq. (SBN 6171)
11500 S. Eastern Ave., Suite 140
24 Henderson, NV 89052
Telephone: (702) 870-2400
Facsimile: (702) 870-8220
Email: awestbrook@perrywestbrook.com
Attorney for Defendant The Home Depot, Inc.

25 **ORDER**

26 IT IS SO ORDERED.


27 Layna J. Zouchal
28 UNITED STATES MAGISTRATE JUDGE

DATED: September 27, 2023